

**REMARKS**

Claims 1-17 are pending and under consideration in this application. Claims 1, 2, 5, 6, 11, 13, and 17 have been amended herein. Support for the amendments to claims 1, 2, 5, 6, 11, 13, and 17 may be found in the claims as filed originally. Reconsideration is requested based on the foregoing amendment and the following remarks.

**Interview Summary**

The Applicants submit the following summaries of the Office interview held June 20, 2006, and the telephone interview that took place April 12, 2006, between the undersigned representative of the Applicant and the Examiner.

**Office Interview:**

The Applicant thanks the Examiner for the many courtesies extended to the undersigned representative of the Applicant during the Office interview that took place June 20, 2006.

Among the issues discussed during that interview were the disclosures of European Patent Application 0 499 564 A2 to Ackman et al. (a.k.a. "Budnik") and European Patent Application EP 0 936 532 to Sugahara et al. (hereinafter "Sugahara") relative to the claimed invention. Also discussed were the above-mentioned amendments to the claims. In particular, the fourth clauses of claim 1, 2, 5, and 6 now recite:

Each power supply control device of said other information processing devices performing a power-up process when the entered power-up date and time comes.

As discussed in the interview, even if data processing system 10 is interpreted as including, and powering up or down, the clients as well as the server, none of the client computers in Budnik appear to be capable of powering *themselves* back up at a scheduled date and time, in the absence of a power-up instruction from the server.

Finally, the Examiner reiterated that the finality of the subject Office Action mailed February 23, 2006 will be withdrawn, as discussed in the below-mentioned telephone conference, which the Applicant acknowledges with appreciation.

**Telephone Conference:**

The Applicant thanks the Examiner for the many courtesies extended to the undersigned representative of the Applicant during the telephone interview that took place April 12, 2006.

Among the issues discussed during that interview was the finality of the subject Office Action mailed February 23, 2006. It was submitted that the subject Office Action should not have been made final. In particular, claims 5, 6, and 11, which were indicated previously to be allowable, were rejected as unpatentable over European Patent Application 0 499 564 A2 to Ackman et al. (a.k.a. "Budnik") in view of European Patent Application EP 0 936 532 to Sugahara et al. (hereinafter "Sugahara"). Both Budnik and Sugahara constituted new grounds of rejection with respect to claims 5, 6, and 11, neither of which was necessitated by any amendment of the Applicant, and therefore the Applicant has had no opportunity to address the rejection of claims 5, 6, and 11 over Budnik and Sugahara.

Sugahara, furthermore, was cited in a search report dated September 30, 2005 which was issued in corresponding European Application No. 02251714.8, and was provided to the Office within three months of that date, and thus no fee was required under 37 C.F.R. §1.17(p). Consequently, none of the provisions of M.P.E.P. 706.07(a) were believed to apply here, and the finality of the Office Action was submitted to be premature. Withdrawal of the finality of the Office Action mailed February 23, 2006 was earnestly solicited in order to allow the Applicant to address the rejection of claims 5, 6, and 11.

#### **Response to Arguments:**

The Applicant appreciates the consideration given to the arguments filed January 26, 2006. The Applicant must continue to insist, however, that Budnik, cited in the final Office Action, describes no representative computer in a network managing scheduling turning the other computers on or off over the network, let alone sending a power off *instruction* to the *other* computers. Budnik, rather, sends only a power off *warning* message about data processing system 10 *itself* powering down. This is analogous to the Patent Office sending a message to the members of the Examining Corps that the computer hosting the PALM system will be unavailable for a period of time. There is no reason that such a message must be accompanied by an instruction to the individual computers *accessing* the PALM system to power down as well.

The final Office Action asserts in section 27, at page 8, that:

As the schedule applies to all the information processing devices, instructions to power down at the specified time must inherently have been given in order for the power down process to be fulfilled.

This is submitted to be incorrect. There is no description in Budnik of the schedule for powering data processing system 10 up or down applying to *all* the information processing devices as well. None of the additional computers or terminals 26, 28, or 30 coupled to mid-range computer 12

need to be shut down when data processing system 10 shuts down. There is thus nothing inherent in Budnik about "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

The final Office Action asserts further in section 27, at page 8, that:

Furthermore, Examiner submits that a warning of imminent shutdown can be considered to be part of a power down process.

This is submitted to be inapposite. There is no description in Budnik of the schedule for powering data processing system 10 up or down applying to *all* the information processing devices as well, as discussed above. Thus, even if a warning that data processing system 10 itself is about to shut down were considered to be part of the power down process of data processing system 10, that still does not amount to "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

The final Office Action asserts in section 28, at page 9, that:

Examiner disagrees and points out that the Office Action actually states "warning message of remaining time inherently indicates date and time of present".

The Office Action mailed October 26, 2005 did write "remaining time" in section 7, at page 3. There is nothing in *Budnik*, however, about a warning message of remaining time. The warning message in Budnik, rather, is simply that, a warning. The time to shut-down is still variable, as described at column 6, lines 38-43, and may be skipped. In particular, as described at column 6, lines 38-43:

Therefore, in the event the next scheduled on time stored within data processing system 10 is imminent, the process passes to block 110, which illustrates the cancellation of the scheduled power off and the resetting of the next on/off times which are stored within data processing system 10.

There is thus no disclosure in Budnik of "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

The final Office Action asserts in section 29, at page 9, that:

Examiner disagrees and points to Applicant's admission that Budnik disclose war[ning] the plurality of computers . . . of its own power up or down accordingly" [pg. 15 of Remarks dated January 26, 2006]. Examiner submits that warning is a form of notifying.

Budnik, however, as discussed above, describes no representative computer in a network managing scheduling turning the *other* computers on or off over the network, nor does Budnik describe sending a power off *instruction* to the *other* computers. Budnik, rather, sends only a

power off warning message about data processing system 10 *itself* powering down. Thus, even if the power off warning message about data processing system 10 *itself* powering down is considered to be a form of notifying, the power off warning message can still only amount to a notification that data processing system 10 *itself* is powering down. There is still no description in Budnik about "notifying the information processing devices of a next power-up date and time," as recited in claim 1, since none of the additional computers or terminals 26, 28, or 30 coupled to mid-range computer 12 need to be shut down when data processing system 10 shuts down, let alone powered back up. Further reconsideration is thus requested.

#### **Objections to the Drawings:**

The drawings were objected to for lacking a designation such as 'Prior Art' in Figs. 1 and 2. The designation "Conventional Art," as used in the specification at page 1, line 23 and page 13, lines 4-8, has been applied to the attached Figs. 1 and 2. Withdrawal of the objections to the drawings is earnestly solicited.

#### **Objections to the Claims:**

Claim 11 were objected to for various informalities. Claim 11 was amended substantially as suggested by the Examiner. Withdrawal of the objection is earnestly solicited.

#### **Claim Rejections - 35 U.S.C. § 102:**

Claims 1-4, 7-10, and 12-17 were rejected under 35 U.S.C. § 102(b) as anticipated by Budnik. The rejection is traversed to the extent it might apply to the claims as amended. Withdrawal of the rejection is earnestly solicited.

The third clause of claim 1 recites:

Instructing each of the other information processing devices to perform a power-down process.

Budnik shows no power supply control device provided for each of a plurality of information processing devices, instructing each of the power supply control devices to power up or power down, as acknowledged graciously in the final Office Action mailed May 11, 2005 at page 3.

Now, however, the subject final Office Action asserts at page 4 that Budnik does show such a power supply control device. This is submitted to be incorrect. Budnik, rather, describes only a data processing system served by a *single* computer turning its *own* power supply on and off, and warning peripheral devices that it is about to do so, not "instructing each of the other

information processing devices to perform a power-down process,” as recited in claim 1. In particular, as described in Budnik at column 1, lines 1-10:

The present invention relates in general to power management systems for data processing systems and in particular to power management systems which permit the automated removal of electrical power from a data processing system. Still more particularly, the present invention relates to a method and apparatus which permits the automatic removal of electrical power from a data processing system only after a predetermined number of conditions have been met.

Thus, in Budnik, a power management system permits the automated removal of electrical power from a data processing system, in the singular, rather than “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 1.

Furthermore, as described in Budnik at column 1, lines 11-20:

Modern complex computer systems are normally powered off by the issuance of a selected command. Typically, a system operator must initiate the power off sequence by entering such a command and in the event of heavy system loads must be present until all work has been completed. As a result, many entities find it simpler and less expensive to leave a data processing system powered on at all times rather than employ an operator to manually remove power from the system.

Thus, in Budnik, it is simpler and less expensive to leave a data processing system powered on at all times rather than employ an operator to manually remove power from the system, let alone “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 1.

Furthermore, as described in Budnik at column 1, lines 20-33:

Many modern computer systems, such as the AS/400 mid-range computer, manufactured by International Business Machines Corporation of Armonk, New York, utilize a power down system command which includes a controlled option which attempts to defer the removal of electrical power until all applications which are running have been completed. Additionally, many modern computer products include job schedulers which permit an operator to initiate any command at a selected future time. Thus, by utilizing such a job scheduler a system operator may program the system so that the power down system command will run at a predetermined time.

Thus, in Budnik, modern computer systems utilize a power down system command which includes a controlled option which attempts to defer the removal of electrical power until all applications which are running have been completed, rather than “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 1.

Furthermore, as described in Budnik at column 1, line 50 to column 2, line 4:

One attempt at implementing the automatic removal of electrical power from a computer system utilizing a job scheduler approach is described in Japanese PUPA 01-9512, entitled "Automatic operation Control System For Computer Systems" and assigned to Mitsubishi Electric Corporation. The system described therein includes a calendar file which is stored within the computer system and which includes power on and power off information which have been set according to an operation schedule for the computer system. Power is then automatically coupled to and removed from the computer system without the necessity of operator input.

Thus, in Budnik, a calendar file is stored within the computer system, in the singular, and which includes power on and power off information which have been set according to an operation schedule for the computer system to remove power automatically from the computer system without the necessity of operator input, rather than "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, lines 18-29:

With reference now the figures and in particular with reference to Figure 1, there is depicted a pictorial representation of a data processing system 10 which may be utilized to implement the present invention. As illustrated, data processing system 10 preferably includes a midrange computer 12, such as the Model AS/400 mid-range computer manufactured by International Business Machines Corporation of Armonk, New York. Coupled to mid-range computer 12 are a plurality of personal computers 14, 16, 18, 20 and 22 which are coupled to mid-range computer 12 utilizing a token-ring network or Local Area Network (LAN) 24.

Thus, in Budnik, a plurality of personal computers 14, 16, 18, 20 and 22, each of which having its own independent power supply management method, are coupled to mid-range computer 12 utilizing a token-ring network or Local Area Network (LAN) 24. Budnik, thus, is describing a data processing system linking a plurality of computers together, each of which can operate independently of the data processing system. Budnik, therefore, has no interest in "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, lines 30-41:

Also coupled to mid-range computer 12 are a plurality of additional computer or terminals such as emulation adapter 26. Emulation adapter 26 may be implemented utilizing a Model 3279 Emulator Adapter, manufactured by International Business Machines Corporation of Armonk, New York. Similarly, display station 28 and ASCII terminal 30 may also be coupled to mid-range computer 12. Thus, in a manner set forth in Figure 1, data processing system 10 preferably includes at least one mid-range or mainframe computer with a plurality of personal computers, work stations or terminals attached thereto.

Thus, in Budnik, a plurality of additional computer or terminals such as emulation adapter 26, each of which having its own independent power supply management method, are also coupled to mid-range computer 12. Budnik, thus, is describing a data processing system linking a plurality of computers together, each of which can operate independently of the data processing system. Budnik, therefore, has no interest in "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, lines 42-45:

Referring now to Figure 2, there is depicted a computer menu display 32 which illustrates a plurality of scheduled system on and off times which may be stored within data processing system 10 of Figure 1.

Since Budnik only stores a plurality of scheduled system on and off times *within* data processing system 10, Budnik is not "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, line 46 to column 4, line 7:

As illustrated, computer menu display 32 preferably includes a plurality of columns which may be utilized to organize and display information regarding data processing system 10. In the depicted embodiment of the present invention, date column 34 may be utilized to list each date during which operation of data processing system 10 may occur. Additionally, day column 36 may be provided and utilized to indicate the day of the week associated with a date listed within date column 34 such that weekends and holidays may be accounted for during power on/power off scheduling. Next, certain of those entries within date column 34 and day column 36 includes an entry within power on column 38 and power off column 40. Thus, for each day wherein data processing system 10 will operate a number of power on/power off times may be stored. Additionally, description column 42 may be utilized to indicate, in narrative form, the purpose for which data processing system 10 was energized during the listed period.

Since Budnik only stores a number of power on/power off times for each day wherein *data processing system 10* will operate, Budnik is not "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 4, lines 8-14:

Thus, those skilled in the art will appreciate that by providing a computer menu display, such as that depicted at computer menu display 32, the method and apparatus of the present invention permit the rapid and efficient access by individual users of a schedule indicating the operating hours for data processing system 10.

Since Budnik permits the rapid and efficient access by *individual* users of a schedule indicating the operating hours for data processing system 10, Budnik is not "instructing each of the other

information processing devices to perform a power-down process," as recited in claim 1. Budnik, rather, is simply informing individual users when data processing system 10 will not be available.

Furthermore, as described in Budnik at column 4, lines 15-28:

With reference now to Figure 3, there is depicted a computer menu display 50 which illustrates the method by which schedule systems on and off times may be altered for data processing system 10 by those processing sufficient authority to do so. As above, computer menu display 50 preferably includes a date column 52, day column 54, power on column 56, power off column 58 and description column 60. By utilizing computer menu display 50 of Figure 3, those skilled in the art will appreciate that scheduled power on and power off times stored within data processing system 10 may be altered to accommodate changes in operation or schedule in a simple and efficient manner.

Since, in Budnik, scheduled power on and power off times stored *within* data processing system 10 may be altered to accommodate changes in operation or schedule in a simple and efficient manner, Budnik is not "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 4, lines 43-58:

Next, in accordance with an important feature of the present invention, block 86 illustrates a determination of whether or not the present time, obtained from a system clock in a manner well known in the art, is within thirty minutes of the next scheduled off time or any other preselected time interval. If not, as above, the system merely iterates until the appropriate time. However, once the determination illustrated in block 86 requires that the next scheduled off time will occur within the selected number of minutes the process passes to block 88. Block 88 illustrates the transmittal of power off warning messages to all users within data processing system 10. This is an important feature of the present invention at it allows those users currently enrolled within data processing system 10 to receive a warning prior to the power being removed from the system.

Since, in Budnik, power off *warning* messages are transmitted to all users within data processing system 10, Budnik is not "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1. Rather, while users currently enrolled within data processing system 10 do receive a warning prior to the power being removed from the system, there is no reason for their *own* computers to be turned off as well.

Furthermore, as described in Budnik at column 5, lines 2-20:

Thereafter, a delay occurs, as depicted in block 90 and the process then passes to block 92 which depicts a determination of whether or not a response has been received from any user within data processing system 10 to the power off warning messages which have been sent. In accordance with the illustrated embodiment



of the present invention, a user within data processing system 10 may respond to a power off warning message in one of three manners. Firstly, a user with sufficient authority may elect to cancel a scheduled power off. In such event, the process passes to block 94 which illustrates the cancelling of a scheduled power off and the resetting of the next on/off times from the stored scheduled on and off times within data processing system 10. Thereafter, although not illustrated, the process will return to block 86 to once again await the appropriate time to issue a warning message to system users that a power off will occur.

Since, in Budnik, a determination of whether or not a response has been received from any user *within* data processing system 10 to the power off warning messages which have been sent, Budnik is not "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 5, lines 21-36:

Additionally, in response to a power off warning message automatically sent by data processing system 10, a user may request a specified amount of delay prior to a power off condition. This is illustrated in block 96 which depicts a delay or deferral for the user specified period of time. Thereafter, the process returns to block 86 and once again automatically transmits warning messages prior to the next scheduled off time. Of course, those skilled in the art will appreciate that a specified delay time of less than thirty minutes may be requested by a system user and in such case the determination within block 86 will result in an immediate power off warning message being transmitted to each user within data processing system 10, indicating how many minutes remain until a scheduled power off.

Since, in Budnik, *warning* messages are transmitted automatically prior to the next scheduled off time, Budnik is not "instructing each of the other information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 6, lines 20-31:

Finally, after ensuring that all termination operations such as clean up operations and "back up" operations have been successfully concluded, block 108 illustrates another important feature of the present invention. Block 108 depicts a determination of whether or not the next scheduled on time for data processing system 10 is imminent or has been bypassed due to a delay requested by a user. By imminent what is meant is within a sufficiently short period of time such that all power off sequences may not have sufficient time to occur prior to an attempted restart of data processing system 10.

Since, in Budnik, a determination is made as to whether or not the next scheduled on time for *data processing system 10* is imminent or has been bypassed due to a delay requested by a user, Budnik is not "instructing each of the other information processing devices to perform a

power-down process,” as recited in claim 1. Budnik, rather, describes only configuring a system to not turn off its *own* power supply if the time for turning the power back on is imminent.

The final Office Action asserts at page 4 that the “warning message of remaining time inherently indicates date and time of present.” This is submitted to be incorrect. There is no need for a warning to include any other information than the warning itself, let alone remaining time. One may warn another, for example, that they are going to “knock your block off,” without specifying the projected date or time at all.

Finally, as described in Budnik at column 6, lines 32-50:

Of course, the amount of time required to complete a power down sequence will vary from data processing system to data processing system; however, an attempted restart of a data processing system during an incomplete power down sequence will result in abnormal operations and must be avoided, if possible. Therefore, in the event the next scheduled on time stored within data processing system 10 is imminent, the process passes to block 110, which illustrates the cancellation of the scheduled power off and the resetting of the next on/off times which are stored within data processing system 10. This may occur due to those delays in power down sequence which result from user or system required delays. As above, although not illustrated, the process would then iterate and return to block 86 wherein automatic power off warning messages will once again be transmitted to each user within data processing system 10 a selected period of time prior to the next scheduled off time.

Since, in Budnik, automatic power off *warning* messages will once again be transmitted to each user within data processing system 10 a selected period of time prior to the next scheduled off time, Budnik is not “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 1. Similarly, since, in Budnik, the next on/off times which are stored within data processing system 10 are reset if the scheduled power off is cancelled, Budnik is not “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 1. Therefore, Budnik describes only a *single* computer turning its *own* power supply on and off, and warning peripheral devices that it is about to do so, not “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 1.

The third clause of claim 1 recites further:

Notifying each of the other information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests “notifying each of the other information processing devices of a next power-up date and time,” as recited in claim 1. In Budnik, rather, the next on/off times are stored within data processing system 10, as described at column 4,

lines 39-41. Data processing system 10 then keeps track of the next on/off times and merely *warns* the plurality of personal computers 14, 16, 18, 20, and 22 of its own power up or down accordingly. This is to be contrasted with claim 1, in which each of the other information processing devices are *notified* as to when the next power-up date and time will be.

Finally, the third clause of claim 1 recites:

Having each power supply control device enter a next power-up date and time each time a power-down date and time comes.

Budnik neither teaches, discloses nor suggests “having each power supply control device enter a next power-up date and time each time a power-down date and time comes,” as recited in claim 1. In Budnik, rather, the next on/off times are stored within data processing system 10, as described at column 4, lines 39-41. Data processing system 10 then keeps track of the next on/off times and merely *warns* the plurality of personal computers 14, 16, 18, 20, and 22 of its own power up or down accordingly. This is to be contrasted with claim 1, in which each power supply control device enters a next power-up date and time each time a power-down date and time comes.

None of personal computers 14, 16, 18, 20, and 22 are on a need-to-know basis with respect to the next time data processing system 10 will be turned on or off, contrary to the assertion in the final Office Action. Personal computers 14, 16, 18, 20, and 22 don’t get to know *when* data processing system 10 power will be terminated, they are merely warned that data processing system 10 *will* be turned off unless they respond to the warning, as described at column 7, lines 42-45. Power is then cut *automatically* to data processing system 10 in the absence of a response, as described at column 7, lines 46-49. This is to be contrasted with claim 1, in which *each* power supply control device enters a *next* power-up date and time each time a power-down date and time comes.

The fourth clause of claim 1 recites:

Each power supply control device of said other information processing devices performing a power-up process when the entered power-up date and time comes.

Budnik neither teaches, discloses nor suggests “each power supply control device of said other information processing devices performing a power-up process when the entered power-up date and time comes,” as recited in claim 1. In Budnik, rather, the next on/off times are stored within data processing system 10, as described at column 4, lines 39-41. Data processing system 10 then keeps track of the next on/off times and merely *warns* the plurality of personal computers 14, 16, 18, 20, and 22 of its own power up or down accordingly. This is to be contrasted with

claim 1, in which each power supply control device of said other information processing devices performs a power-up process when the entered power-up date and time comes. Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 3 and 7 depend from claim 1 and add further distinguishing elements. Claims 3 and 7 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3 and 7 is also earnestly solicited.

Rejection of claims 2, 4, and 8:

The third clause of claim 2 recites:

Notifying each power supply control device of the other information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of the other information processing devices of a next power-up date and time," as discussed above with respect to the rejection of claim 1.

The third clause of claim 2 recites further:

Having each power supply control device enter the next power-up date and time.

Budnik neither teaches, discloses nor suggests "having each power supply control device enter the next power-up date and time," as discussed above with respect to the rejection of claim 1.

Finally, the third clause of claim 2 recites:

Issuing a power-down instruction to each of the other information processing devices each time a power-down date and time comes.

Budnik neither teaches, discloses nor suggests "issuing a power-down instruction to each of the other information processing devices each time a power-down date and time comes," as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 2 recites:

Each power supply control device of said other information processing devices performing a power-up process when the entered power-up date and time comes.

Budnik neither teaches, discloses nor suggests "each power supply control device of said other information processing devices performing a power-up process when the entered power-up date and time comes," as discussed above with respect to the rejection of claim 1.

Claim 2 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 2 is earnestly solicited.

Claims 4 and 8 depend from claim 2 and add further distinguishing elements. Claims 4 and 8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 4 and 8 is also earnestly solicited.

Rejection of claims 9, 10, and 12:

The fourth clause of claim 9 recites:

A power-down instruction unit instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests “instructing each power supply control device to perform a power-down process,” as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 9 recites further:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests “notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule,” as discussed above with respect to the rejection of claim 1. Claim 9 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claims 10 and 12 depend from claim 9 and add further distinguishing elements. Claims 10 and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10 and 12 is also earnestly solicited.

Rejection of claim 13:

The second clause of claim 13 recites:

A power-down unit storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system.

Budnik neither teaches, discloses nor suggests “storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system,” as discussed above with respect to the rejection of claim 1.

The third clause of claim 13 recites:

Performing a power-up process on the current information processing device when said stored power-up date and time comes.

Budnik neither teaches, discloses nor suggests “performing a power-up process on the current information processing device when said stored power-up date and time comes,” as discussed above with respect to the rejection of claim 1. Claim 13 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 13 is earnestly solicited.

Rejection of claim 14:

The third clause of claim 14 recites:

Instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests “instructing each power supply control device to perform a power-down process,” as discussed above with respect to the rejection of claim 1.

The third clause of claim 14 recites further:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to a predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests “notifying each power supply control device of a next power-up date and time each time power-down date and time comes,” as discussed above with respect to the rejection of claim 1. Claim 14 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 14 is earnestly solicited.

Rejection of claim 15:

The third clause of claim 15 recites:

Instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests “instructing each power supply control device to perform a power-down process,” as discussed above with respect to the rejection of claim 1.

The third clause of claim 15 recites further:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to a predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests “notifying each power supply control device of a next power-up date and time each time power-down date and time comes,” as discussed above with respect to the rejection of claim 1. Claim 15 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 15 is earnestly solicited.

Rejection of claim 16:

The third clause of claim 16 recites:

Notifying, by said one of said information processing devices, each of the other information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests “notifying, by said one of said information processing devices, each of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1.

The sixth clause of claim 16 recites:

Performing a power-up process of each the other information processing devices when the next power-up date and time comes if no further power-up instruction has been received from said one of said information processing devices.

Budnik neither teaches, discloses nor suggests “performing a power-up process of each the other information processing devices when the next power-up date and time comes if no further power-up instruction has been received from said one of said information processing devices,” as discussed above with respect to the rejection of claim 1. Claim 16 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 16 is earnestly solicited.

Rejection of claim 17:

The second clause of claim 17 recites:

Performing a power-up of said plural computers if a date and time for a power-up arrives and no instruction is provided.

Budnik neither teaches, discloses nor suggests “performing a power-up of said plural computers if a date and time for a power-up arrives and no instruction is provided,” as discussed above with respect to the rejection of claim 1. Claim 17 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 17 is earnestly solicited.

**Claim Rejections - 35 U.S.C. § 103:**

Claims 5, 6, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Budnik in view of Sugahara. The rejection is traversed. Reconsideration is earnestly solicited.

The third clause of claim 5 recites:

Instructing each of the other information processing devices to perform a power-down process.

Budnik neither teaches, discloses nor suggests, “instructing each of the other information processing devices to perform a power-down process,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention. Sugahara, rather, describes requesting a power saving operation. In particular, as described in paragraph [0046]:

If the decision result in the step S63 is YES, the step S64 makes the power save control request again with respect to the control signal transmitting part 52, so as to have the power save control signal reissued.

Since Sugahara describes only requesting a power saving operation, Sugahara cannot show “instructing each of the other information processing devices to perform a power-down process,” as recited in claim 5.

The third clause of claim 5 also recites:

Notifying each of the other information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests “notifying each of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention.

Finally, the third clause of claim 5 recites:

Having each power supply control device enter a next power-up date and time



each time a power-down date and time comes.

Budnik neither teaches, discloses nor suggests "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention. Thus, even if Budnik and Sugahara were combined, as proposed in the final Office Action, the claimed invention would not result. Claim 5 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 5 is earnestly solicited.

Rejection of claim 6:

The third clause of claim 6 recites:

Notifying each power supply control device of the other information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of the other information processing devices of a next power-up date and time," as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention.

The third clause of claim 6 recites further:

Having each power supply control device enter the next power-up date and time.

Budnik neither teaches, discloses nor suggests "having each power supply control device enter the next power-up date and time," as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention.

Finally, the third clause of claim 6 recites:

Issuing a power-down instruction to each of the other information processing devices each time a power-down date and time comes.

Budnik neither teaches, discloses nor suggests "issuing a power-down instruction to each of the other information processing devices each time a power-down date and time comes," as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention. Thus, even if Budnik and Sugahara were combined, as proposed in the final Office Action, the claimed invention would not result. Claim 6 is thus submitted to be allowable, for at least those reasons

discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 6 is earnestly solicited.

Rejection of claim 11:

The fourth clause of claim 11 recites:

A power-down instruction unit instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests "instructing each power supply control device to perform a power-down process," as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention.

The fourth clause of claim 11 also recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule," as discussed above with respect to the rejection of claim 1. Claim 11 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of Budnik with respect to the claimed invention. Thus, even if Budnik and Sugahara were combined, as proposed in the final Office Action, the claimed invention would not result. Withdrawal of the rejection of claim 11 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-17 are allowable over the cited references.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

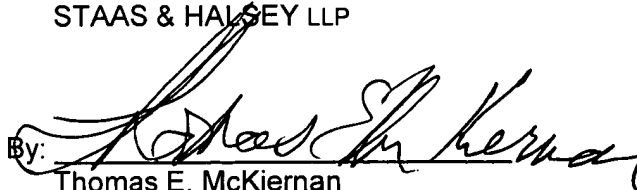
Respectfully submitted,

STAAS & HALSEY LLP

Date:

22 NOV 06

By:

A handwritten signature in black ink, appearing to read "Thomas E. McKiernan", written over a horizontal line.

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**AMENDMENTS TO THE DRAWINGS:**

The drawings are amended as described below by presenting replacement figures as attached hereto.

The attached two sheets of drawings include changes to Figs. 1 and 2. These Figs. 1 and 2 replace the original Figs. 1 and 2. The designation "Conventional Art," as used in the specification, has been applied to the attached Figs. 1 and 2. No new matter has been added.

Attachment: Replacement sheets (2)